



APPLICATION TO DRAIN
OFFICE OF THE STATE ENGINEER
Water Development Division
SFN 2830 (9/98)



APPLICATION NO.

2986

DATE RECEIVED

I, the undersigned, do hereby apply for a permit pursuant to Sec. 61-32-03 NDCC, to drain a pond, slough, lake, or sheetwater, or any series thereof, which has a watershed area comprising 80 acres or more.

This application must be accompanied by FSA aerial photos or equivalent showing the location of the proposed drain(s).

(1) WATER RESOURCE DISTRICT PROJECT IS LOCATED IN: Benson								
(2) LEGAL DESCRIPTION	1/4	1/4	SEC	TWP	RGE	LAT (Opt.)	LONG (Opt.)	
to the nearest 40-acre tract:								
(use separate sheet(s) if necessary)	1/4	1/4	SEC	TWP	RGE	LAT (Opt.)	LONG (Opt.)	
see attachment	1/4	1/4	SEC	TWP	RGE	LAT (Opt.)	LONG (Opt.)	
	1/4	1/4	SEC	TWP	RGE	LAT (Opt.)	LONG (Opt.)	
(3) LEGAL DESCRIPTION of the drain outlet: SW 1/4 SE 1/4	SEC 8	TWP 151	RGE 68	LAT (Opt.)	LONG (Opt.)			
(4) PURPOSE: Address flood impact due to rising levels of Devils Lake.								
(5) DESCRIPTION OF EACH AREA TO BE DRAINED:								
Drainage Area	Acres	Water Area	Acres	Average Depth of Water				Feet
2,125,000		124,000 acres		20 feet				
(6) DESCRIPTION OF DRAIN:								
Length of Drain	Feet	Bottom Width (B)	Feet					
72,220 feet		15 and 25 feet						
Side Slopes (S)	3 :1 Foot	Maximum Cut (D)	Feet					
		16 feet						
(7) Construction will be completed on or before: May 1, 2005				(8) Is the proposed drain(s) an assessment drain? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				
(9) Do you own the land to be drained in fee? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				If NO, give the name and address of the legal landowner(s):				
Majority of land is sovereign land held in trust by the state of North Dakota.								

The filling of this application and its approval in no way relieves the landowners from any responsibility or liability for damages from the construction, operation or failure of this drain.

APPLICANT'S CERTIFICATION

I understand that I must undertake and agree to pay the expense incurred in making an investigation and if the investigation discloses that the quantity of water which will be drained will flood or adversely affect downstream lands, I will be required to obtain flowage easements and must file such easements in the office of the register of deeds before a permit may be issued. My signature below acknowledges that I have read and agree to these statements, and will adhere to the conditions on the back of this application.

NAME (PRINT OR TYPE): ND State Water Commission/Governor John Hoeven	DATE SUBMITTED:
ADDRESS: 900 E. Boulevard Avenue, Bismarck, ND 58505	PHONE NO: (701) 328-2752
ADDRESS:	
SIGNATURE (Owner of the land on which the project is located; or legal entity sponsoring project): 	

FOR USE BY WATER RESOURCE DISTRICT AND STATE ENGINEER

The board's investigation disclosed that the proposed drainage (☐ will ☐ will not) flood or adversely affect lands of downstream landowners. This application is hereby:

☐ Disapproved

☒ Approved

Date 6-6-03

Date 6/5/03

Kent Westers
Township of W.R.D. Comm.

Ramsey Co.
Chairman or Secretary of Water Resource Board

CONDITIONS:

(1) The State Engineer or Water Resource Board may revoke or modify the project and the rights granted under the permit to protect the public health, safety, and welfare; to protect property; or to ensure the orderly control of water resources.

(2) Construction must be completed within two years from the date of final approval.

This application:

6/18/03

☒ does involve drainage of state-wide or interdistrict significance

☐ does not involve drainage of state-wide or interdistrict significance

If the State Engineer has determined that this application **does not** involve drainage of state-wide or interdistrict significance, approval by the Water Resource Board constitutes a permit to drain.

If the State Engineer has determined that this application involves drainage of state-wide or interdistrict significance, approval by both the Water Resource Board and the State Engineer must be given to constitute a permit to drain.

This application which involves drainage of state-wide or interdistrict significance is hereby:

☐ Disapproved

☒ Approved

Date 7-2-2003

Dale L. Frink
State Engineer

CONDITIONS:

(1) The State Engineer may revoke or modify the project and the rights granted under the permit to protect the public health, safety, and welfare; to protect property; or to ensure the orderly control of water resources.

(2) All highly erodible drainage channels must be seeded to a sod-forming grass.

(3) The vegetative cover must be adequately maintained for the life of the project or control structures must be installed, or a combination of these two criteria.

(4) Construction must be completed within two years from the date of final approval.

Mail to:

Office of the State Engineer
900 East Boulevard Avenue, Dept 770
Bismarck, ND 58505-0850

STATE OF NORTH DAKOTA
OFFICE OF THE STATE ENGINEER

IN THE MATTER OF:)

Application to Drain Permit #2986)
North Dakota State Water Commission)

ADMINISTRATIVE ORDER
NO. 03-4

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The evidence in the record of this matter has been considered and appraised. IT IS ORDERED that the analysis and recommendation contained in the October 1, 2003, Interoffice Memorandum are adopted as the State Engineer's findings and conclusions on the matter. IT IS FURTHER ORDERED that the issuance of Drain Permit #2986 to the North Dakota State Water Commission is affirmed, and that the following conditions shall be attached to Drain Permit #2986:

1. This permit authorizes the permit holder to drain water from Devils Lake at a rate not to exceed 100 cfs. Expansion of the project's capacity would require a new permit.
2. Discharge of water to the Sheyenne River shall not cause the 600 cfs channel capacity of the Sheyenne River to be exceeded.
3. The State Engineer reserves the right to order modifications to the project if the State Engineer determines that modifications are required to protect downstream property or fish and wildlife resources.
4. Drainage is only authorized when the level of Devils Lake is above 1445.0 msl.
5. An adaptive management plan, required as a condition on the North Dakota Pollutant Discharge Elimination System (NDPDES) permit, shall also be submitted to the State Engineer for the State Engineer's approval before draining water from Devils Lake.
6. A valid NDPDES permit must be in effect during the term of the project's operation.

Dated at Bismarck, North Dakota this 2nd day of October, 2003.



STATE OF NORTH DAKOTA

BY: Dale L. Frink
Dale L. Frink, P.E.
State Engineer